

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23737 of 2004

Between:

Muslim Minority Welfare Association, Rep. by its President Shaik Basheer, Perla Metta, Peerla Manyam, Santhanuthalapadu (M), Prakasam Dist.

..... PETITIONER

AND

- 1 The A.P.S.Wakf Board, rep by its Chief Executive Officer
Haj House Complex, Nampally,
Hyderabad.
- 2 The Dist Revenue Officer- Dist Wakf Officer,
Ongole, Prakasam Dist.
- 3 The Dist Revenue Officer- Inspector Auditor-Wakfs,
Ongole, Prakasam Dist.
- 4 Sri Salauddin Ansari S/o. Not known
Andhra Section, A.P.S.Wakf Board,
Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the part of the 1st respondent in not holding enquiry into the affairs of Masoom Shah Peerla Chawdi on the objections submitted on 14-1-2004 through the 2nd respondent dt 21-1-2004 and the report submitted by the 3rd respondent on 9-8-2004 as being illegal, arbitrary, capricious, mala fide and amounting to dereliction of duty.

Counsel for the Petitioner: MR SYED SHAREEF AHMED

Counsel for the Respondents: MR.S.M.SUBHAN

The Court at the admission stage made the following :

ORDER:

The petitioner claims to be the Muslim Minority Welfare Association, Ongole. According to it, the 1st respondent initiated proceedings for appointment of a Muthawalli to Masoom Shah Peerla Chawdi, Ongole. A notification was issued inviting objections for appointment of one Khader Baig. It is represented that the petitioner submitted objections on 14.01.2004 and the same were forwarded by the 2nd respondent to the 1st respondent, way back in January, 2004. The grievance of the petitioner is that no action has been taken so far and in the process, the Wakf is functioning without Muthawalli.

Heard learned counsel for the petitioner and learned Standing Counsel for respondents 1,2 and 3.

The grievance of the petitioner is about the alleged inaction on the part of the 1st respondent in taking a final decision in the matter of appointment of a Muthawalli to the Wakf referred to above. The 1st respondent has already initiated steps for appointment of Muthawalli and invited objections. The petitioner submitted objections and the same were forwarded by the 2nd respondent. The 1st respondent is under an obligation to take a final decision in the matter after considering the objections. Any delay in the matter is likely to adversely affect the functioning of the Wakf.

Hence, the writ petition is disposed of, directing the 1st respondent to take its decision in the matter of appointment of the Muthawalli, within a period of six weeks from today. There shall be no order as to costs.

23.12.2004

Jsu

To

- 1 The Chief Executive Officer, A.P.S.Wakf Board,
Haj House Complex, Nampally,
Hyderabad.
- 2 The Dist Revenue Officer- Dist Wakf Officer,
Ongole, Prakasam Dist.
- 3 The Dist Revenue Officer- Inspector Auditor-Wakfs,
Ongole, Prakasam Dist.
- 4 2CD copies.